

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products
Liability Litigation,

No. MDL 15-02641-PHX-DGC

Debra Tinlin, an individual,
Plaintiff,

No. CV-16-00263-PHX-DGC

v.

ORDER

C. R. Bard, Inc., a New Jersey
corporation; and Bard Peripheral
Vascular, Inc., an Arizona corporation,
Defendants.

The parties have submitted deposition excerpts in advance of trial. This order will set forth the Court's ruling on objections contained in these excerpts. The order will identify objections by the number of the deposition page on which they appear (without repeating the word "page" each time). If more than one objection appears on a page, the order will identify the line on which the objection starts. Where an objection is sustained, the order will identify the page and lines that should be omitted, but if no lines are identified, the objection is sustained with respect to all designated testimony on that page.

A. Hugh Magee.

1. Page 1 – overruled.

2. 10 – overruled.

- 1 3. 11 – overruled.
- 2 4. 13 – overruled.
- 3 5. 18 – overruled.
- 4 6. 37 – overruled.
- 5 7. 60-61 – overruled.
- 6 8. 67 – overruled.
- 7 9. 79 – overruled.
- 8 10. 124 – overruled.
- 9 11. 135-137 – sustained. Witness simply confirming what is in document he has
- 10 not seen before.
- 11 12. 139-142 – sustained. Witness simply confirming what is in document he has
- 12 not seen before.
- 13 13. 165-166 – overruled.
- 14 14. 167 – overruled.
- 15 15. 170:9-18 – sustained.
- 16 16. 171-173 – sustained.
- 17 17. 174-177 – overruled.
- 18 18. 179 – overruled.
- 19 19. 180 – overruled.
- 20 20. 185-187 – overruled.
- 21 B. Timothy A. Fischer.
- 22 1. 5 – overruled.
- 23 2. 9-19 – overruled.
- 24 3. 20 – overruled.
- 25 4. 29 – overruled.
- 26 5. 31 – overruled.
- 27 6. 37 – overruled.
- 28 7. 51-52 – overruled.

- 1 8. 65:25 to 66:9 – sustained.
- 2 9. 66:10 to 67 – overruled.
- 3 10. 69 – overruled.
- 4 11. 77-78 – overruled.
- 5 12. 81-82 – overruled.
- 6 13. 95 – overruled. No testimony designated.
- 7 14. 103:18 to 104:4 – sustained.
- 8 15. 104:9-22 – overruled.
- 9 16. 107-108 – overruled.
- 10 17. 112:14-19 – sustained.
- 11 18. 112-113 – Plaintiffs’ objection overruled.
- 12 19. 117 – overruled.
- 13 20. 119-121 – overruled.
- 14 21. 155-156 – overruled.
- 15 22. 167-168 – overruled.
- 16 23. 168-169 – overruled.
- 17 24. 175-176 – overruled.
- 18 25. 204 – overruled. No testimony designated.
- 19 26. 209-210 – overruled.
- 20 27. 211 – overruled.
- 21 28. 211:9-25 – sustained.
- 22 29. 212 – overruled.
- 23 30. 213 to 214:17 – sustained.
- 24 31. 216-218 – overruled.
- 25 32. 226:5-19 – sustained.
- 26 33. 234 – overruled.
- 27 34. 237:4-18 – sustained; leading.
- 28 35. Rest of 237 and 238 – overruled.

- 1 36. 239 – sustained.
- 2 37. 241-242:15 – overruled.
- 3 38. 242:16-24 – sustained; leading.
- 4 39. 243-244 – overruled.
- 5 40. 245 – overruled.
- 6 41. 246:3-15 – overruled.
- 7 42. 246:17-25 – sustained.
- 8 43. 248 – overruled.
- 9 44. 252 – overruled.
- 10 45. 254 – overruled.
- 11 46. 255:23 to 256:7 – sustained.
- 12 47. 271 to 272:18 – overruled.
- 13 48. 272:19 to 273:3 (through “retrieval”) – sustained.
- 14 49. 281-283 – overruled.
- 15 C. Brian Barry.
- 16 1. 10-11 – overruled.
- 17 2. 28 – overruled.
- 18 3. 44 – overruled.
- 19 4. 87-88 – overruled.
- 20 5. 145 – overruled.
- 21 6. 149-150 – overruled.
- 22 7. 151-156 – overruled.
- 23 8. 158 – overruled.
- 24 9. 159-160 – overruled.
- 25 10. 164-167 – overruled.
- 26 11. 170 – overruled.
- 27 12. 171-173 – overruled.
- 28 13. 192-194 – overruled.

- 1 14. 198-203 – overruled.
- 2 15. 219 – overruled.
- 3 16. 223:21 to 225:8 – sustained.
- 4 17. 225:9 to 226:3 – overruled.
- 5 18. 226:9-22 – sustained.
- 6 19. 227-229 – overruled.
- 7 20. 230-232 – overruled.
- 8 21. 241:8 to 254:5 – overruled.
- 9 22. 254:6 to 257:18 – sustained; 602.
- 10 23. 257:19 to 258:5 – overruled.
- 11 24. 258:6 to 259:7 – sustained; 602.

12 D. Holly P. Glass.

- 13 1. 1 – overruled; no testimony designated.
- 14 2. 22 – overruled.
- 15 3. 34:24 to 35:3 – sustained.
- 16 4. 41:24 to 42:7 – sustained.
- 17 5. 59 – overruled.
- 18 6. 60 – overruled.
- 19 7. 63 – overruled.
- 20 8. 64 – overruled.
- 21 9. 64-65 – overruled.
- 22 10. 83-84 – overruled.
- 23 11. 86-88 – overruled.
- 24 12. 89-90 – overruled.
- 25 13. 97-98 – overruled.
- 26 14. 105:6-15 – sustained.
- 27 15. 114-115 – overruled.
- 28 16. 121 – overruled.

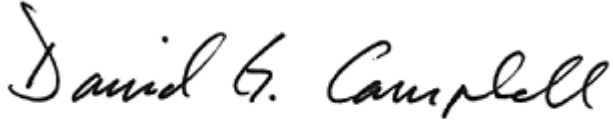
- 1 17. 126 – overruled.
- 2 18. 135 – overruled.
- 3 19. 147 – overruled.
- 4 20. 151 – overruled.
- 5 21. 152:2-17 – sustained.
- 6 22. 160-161 – overruled.
- 7 23. 162 – overruled.
- 8 24. 163 – overruled.
- 9 25. 166-168 – sustained. 403. Argument to the jury rather than factual questions.
- 10 26. 171 – overruled.
- 11 27. 173-174 – sustained.
- 12 28. 175 – overruled.
- 13 29. 196 – overruled.
- 14 30. 201-202 – overruled.
- 15 31. 203-204 – overruled.
- 16 32. 212 – overruled.
- 17 33. 213 – overruled.
- 18 34. 213-214 – overruled.

19 E. Heather Stanko, M.D.

20 Much of the designated testimony in this deposition concerns various health
 21 conditions suffered by Ms. Tinlin. In the motion in limine briefing, Defendants indicated
 22 that they believe many of Ms. Tinlin’s conditions produce symptoms that overlap with
 23 symptoms she will attribute to filter complications at trial. The Court cannot tell from the
 24 motion briefing or the deposition which symptoms allegedly overlap. The Court directs
 25 the parties to revisit their designations and objections in the Stanko deposition with the
 26 following guidance: Defendants should designate testimony about only those conditions
 27 that produce symptoms (according to expert or other evidence about the symptoms the
 28 conditions produce) that Defendants contend overlap with symptoms Plaintiffs will

1 attribute to the filter. As part of this process, the parties should confer about what
2 symptoms Plaintiffs will attribute to the filter at trial. The Court believes this process
3 should reduce the number of deposition designations and the number of objections, and
4 should provide the Court with a more informed basis for ruling on any remaining areas of
5 disagreement in this deposition.

6 Dated this 3rd day of May, 2019.

7
8 
9

10 David G. Campbell
11 Senior United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28